

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, )  
 )  
 v. ) No. 21-cr-00349 (TJK)  
 JEFFREY REGISTER, )  
 )  
 Defendant. )  
\_\_\_\_\_ )

**JOINT MOTION TO CONTINUE SENTENCING**

Mr. Jeffrey Register, by and through his attorney, and joined by the United States Attorney for the District of Columbia, hereby files this motion to continue his in-person sentencing, currently scheduled for January 18, 2022, due to the contagiousness of the surging Omicron variant. This request is consistent with protecting the safety of the parties and court personnel, and reflective of Chief Judge Howell’s most recent standing order stating, “the expectation is that in-person proceedings will be limited in number until at least January 24, 2022.”<sup>1</sup>

On October 14, 2021, Mr. Jeffrey Register pled guilty to one count of Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). *See* ECF No. 24. This Court accepted his plea and set his sentencing for January 18, 2022. At that time, the Court noted the sentencing would be conducted via VTC. *See* Minute Entry (Oct. 14, 2021). However, on October 29, 2021, the Court converted the VTC sentencing to an in-person sentencing. *See* Minute Order.

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<sup>1</sup> Available at: [https://www.dcd.uscourts.gov/sites/dcd/files/Final\\_SO%2021-83\\_Postponement%20of%20Jury%20Trials%20Until%20January%2024%2C%202022\\_20211230.pdf](https://www.dcd.uscourts.gov/sites/dcd/files/Final_SO%2021-83_Postponement%20of%20Jury%20Trials%20Until%20January%2024%2C%202022_20211230.pdf).

Since mid-December, the D.C. region has seen a surge of COVID-19 cases, due to the contagiousness of its latest variant, Omicron. In fact, D.C. is now known as an epicenter of the new variant, with hospitalization and infection rates continuing to soar.<sup>2</sup> Notably, unlike other variant explosions, this particular variant has caused record-breaking pediatric hospitalizations.<sup>3</sup>

Mr. Register plans to come to his sentencing from his home in Florida. In addition, undersigned counsel understands the government's attorney plans to fly in from Washington State, and an FBI agent from Florida also plans to be present, implicating a potential for cross-state spread of the virus. Moreover, counsel understands that not all parties are fully vaccinated against the virus, and some of the parties have small children that have not been able to receive vaccination.

Given the concerning number of COVID-19 cases in the D.C. area, Mr. Register requests that his sentencing be continued for one month. Doing so will hopefully allow this particular variant and surge to burn out in the region, and limit potential exposure to the parties, court personnel, and court personnel and parties' family members (including young, unvaccinated children under five).<sup>4</sup>

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<sup>2</sup> See Julie Weil, et. al., *Hospitalizations in D.C. and Maryland set records as omicron surge continues*, the Washington Post (Dec. 29, 2021), available at [https://www.washingtonpost.com/dc-md-va/2021/12/29/hospital-records-dc-maryland-omicron-covid/?itid=ap\\_juliezauzmerweil](https://www.washingtonpost.com/dc-md-va/2021/12/29/hospital-records-dc-maryland-omicron-covid/?itid=ap_juliezauzmerweil).

<sup>3</sup> See also Erika Edwards, *Children are hospitalized with Covid at record numbers*, NBCnews (Jan. 3, 2022), available at <https://www.nbcnews.com/health/health-news/covid-warning-symptoms-children-kids-hospitalized-record-numbers-rcna10741>.

<sup>4</sup> "Breakthrough" cases of COVID-19, while usually mild in nature, are still a concerning reality. See Centers for Disease Control and Prevention, *The Possibility of COVID-19 after Vaccination: Breakthrough Infections* (Updated Dec. 17, 2021), available at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/effectiveness/why-measure-effectiveness/breakthrough-cases.html>. Additionally, the parties and court personnel who have young children in their household, not yet able to receive vaccination, may expose those most vulnerable to the virus. See Centers for Disease Control and Prevention, *Omicron Variant: What*

WHEREFORE, Mr. Jeffrey Register requests that his January 18, 2022 in-person sentencing be continued for a period of 30 days, to take place preferably (if the Court's schedule can accommodate), during the week of February 22, 2022.

Respectfully submitted,

A.J. KRAMER  
FEDERAL PUBLIC DEFENDER

/s/

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*You Need to Know* (Dec. 20, 2021) available at <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html> (“The Omicron variant likely will spread more easily than the original SARS-CoV-2 virus and how easily Omicron spreads compared to Delta remains unknown. CDC expects that anyone with Omicron infection can spread the virus to others, even if they are vaccinated or don’t have symptoms.”).